

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00147

RANDALL JIM HUGHES

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 3, 2019, the United States of America appeared by L. Alexander Hamner, Assistant United States Attorney, and the defendant, Randall Jim Hughes, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a two-year term of supervised release in this action on September 13, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 15, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to report to the probation officer within 72 hours of his release from custody inasmuch as he was released on September 13, 2018, and did not contact the probation officer until September 20, 2018; (2) the defendant failed to follow the instructions of the probation officer inasmuch as he was instructed on September 20, 2018, to report in person to the probation officer on September 24, 2018, between 10:00 a.m. and 11:00 a.m., and failed to do so, rendering his whereabouts unknown; (3) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he was instructed to report to Dismas Charities in Clarksburg, West Virginia, on September 13, 2018, and he did not report as instructed; and (4) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on December 4, 2018, for methamphetamine and marijuana, the defendant having admitted his use of the illegal substances; all as admitted by the defendant on the record of the hearing

and all as set forth in the petition on supervised release and amendment thereto.

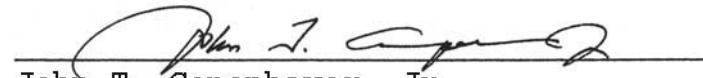
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of NINE (9) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 7, 2019


John T. Copenhaver, Jr.
Senior United States District Judge